

# Court of Appeals, State of Michigan

## ORDER

William F Coleman v Detroit Board of Education

Docket No. 283870

LC No. 07-712179-CD

Kurtis T. Wilder  
Presiding Judge

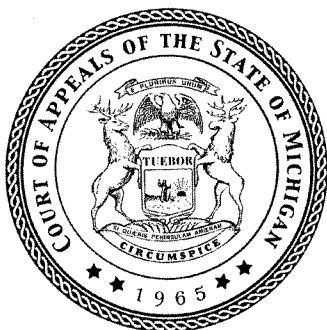
Helene N. White

Christopher M. Murray  
Judges

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The motion for immediate consideration is GRANTED.

The Court orders that the application for leave to appeal is DENIED for failure to persuade of the need for immediate appellate review. Under our case law, evidence of a conviction is not required in order for the after-acquired evidence doctrine to apply. See, e.g., *Horn v Dep't of Corrections*, 216 Mich App 58, 66-68; 548 NW2d 660 (1996). Therefore, the trial court erred as a matter of law in so holding. However, the trial court did not err in holding that plaintiff was entitled to invoke his Fifth Amendment right against self-incrimination in this civil case. *Phillips v Diehm*, 213 Mich App 389, 399-400; 541 NW2d 566 (1995). Should the plaintiff continue to invoke his right against self-incrimination, the trial court may determine any appropriate evidentiary sanction or remedy as the result of plaintiff's invocation of this right. *Id.*



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 14 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk